

### REMARKS

Applicants have amended independent claims 15 and 27 to define the present invention with more specificity. Specifically, the foam component of the presently claimed invention are in the form of particles comprising a matrix of polymeric material and active ingredients. Support for this amendment is found at Claims 20 and 31. Claims 20, 24, 31-33, 35 and 37 have been canceled accordingly. Claims 27 and 34 have been amended for in advertent, typographical and grammatical errors.

No new matter has been added by this amendment. Entry is believed to be proper and respectfully requested.

Upon entry of this amendment, Claims 15-19, 21-23, 25-30, 34 and 36 are pending. No additional claim fee is due.

### REJECTIONS & OBJECTIONS

#### Claim Rejections under 35 USC §103 over Albert or Bastioli et al.

The Examiner rejects Claims 15-37 under 35 USC 103(a) as being unpatentable over Albert (US3,695,989) or Bastioli (US 5,736,586) for reasons of record in the previous Office Action dated September 9, 2003, wherein the Examiner states that Albert discloses foam made of primarily polyvinyl alcohol which performs in the manner called for in the claims. The Examiner also states that Bastioli et al. discloses a foam composition containing primarily of water soluble polysaccharides and a plasticizer. The Examiner concludes that these compositions/foams would also be stable in air and inherently unstable in water. In this Final Office Action, the Examiner further states that the water soluble foam polymer of Albert can contain particles of active ingredients call for in the instant case and Bastioli et al. discloses microcapsules containing active ingredients such as flame retardants.

Applicants respectfully traverse. Bastioli discloses compositions containing polysaccharides, which are first extruded into foamable pellets, and upon foaming the foamable pellets, they can be used as loose fillers for packaging (see Col. 5, line 66-Col. 6, line 16, and Col. 2, line 46). There is no teaching or suggestion of foamed "microcapsules", as alleged by the Examiner.

Applicants point out that the presently claimed invention is directed to a foam component, and a process of making the same, in the form of particles having an average particle size of from about 50 to about 4000 microns.

Albert discloses water-soluble foam plastic package in the form of films, which are made from a film casting process (see Col 3, lines 29-36). Bastioli et al. discloses foamed pellets useful as fillers in packaging; such fillers are not "microcapsules".

Based on the foregoing, Applicants submit that none of the references teaches or suggests foam particles in the claimed particle size range. Moreover, there is no motivation in the cited references to make such foam particles. Additionally, the processes of extrusion and/or film casting, as taught by the cited references, are not likely to successfully produce the claimed foam particles.

Based on the foregoing, Applicants respectfully submit that the cited references fail to establish a *prima facie* case of obviousness since they failed to meet all the requirements. Therefore, the rejections should be withdrawn.

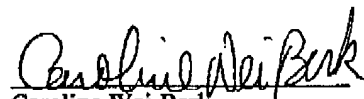
However, despite Applicants' traversal above, Applicants' amended the claims in an earnest effort to advance the prosecution. Specifically, none of the cited references teach or suggest the claimed active ingredients, not the combination of the claimed ingredients and foamed particles having the claimed particle size.

#### CONCLUSION

Applicant believes the present amendment is fully responsive and places Claims 15-19, 21-23, 25-30, 34 and 36 in condition for allowance.

In the event that issues remain prior to allowance of the noted claims, the Examiner is invited to call Applicant's undersigned attorney to discuss any remaining issues.

Respectfully Submitted,  
FOR: McGoff et al.



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